

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 7, 2005**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of December 7, 2005, was called to order by Mayor Beckman at 5:30 p.m.

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Prospective lease of 230 West Elm Street (Dept. L-1) and 215 West Elm Street (L-3), Lodi, California; the negotiating parties are the City of Lodi and County of San Joaquin relating to court office space; price and terms are under negotiation; Government Code §54956.8
- b) Conference with Blair King, City Manager (Acting Labor Negotiator), regarding Fire Mid-Management pursuant to Government Code §54957.6
- c) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(B) regarding exposure to San Joaquin County for alleged non-compliance with underground storage tank regulations at Municipal Service Center and the old Public Safety Building
- d) Actual litigation: Government Code §54956.9(a); one case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- e) Actual litigation: Government Code §54956.9(a); one case; *Peter Rose et al. v. the City of Lodi, et al.*; United States District Court, Eastern District of California, Case No. CIV.S-05-02229

C-3 ADJOURN TO CLOSED SESSION

At 5:30 p.m., Mayor Beckman adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:08 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:13 p.m., Mayor Beckman reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions:

In regard to Items C-2 (a), (c), (d), and (e) no reportable action was taken in closed session.

In regard to Item C-2 (b) Council voted 41, with Council Member Johnson dissenting, to grant a 2.4% Cost of Living Adjustment to Fire Mid-Managers retroactive to July 2005.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of December 7, 2005, was called to order by Mayor Beckman at 7:13 p.m.

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Chris Chavez, Heartland Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Beckman.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Mayor Beckman announced that representatives of all Lodi religious organizations received the Mayor's Community Service Award at the November 30, 2005, Special Joint Meeting.

D-2 Proclamations – None

D-3 (a) Dennis Lewis, President of Lodi Adopt-A-Child, described the history of the Adopt-A-Child Christmas Program and encouraged all community members to participate.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Johnson, Mounce second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$5,808,273.42.

E-2 The minutes of November 1, 2005 (Shirtsleeve Session), November 1, 2005 (Special Meeting), November 2, 2005 (Regular Meeting), November 19, 2005 (Special Meeting), November 22, 2005 (Shirtsleeve Session), November 22, 2005 (Special Meeting), and November 30, 2005 (Special Joint Meeting w/Faith Community) were approved as written.

E-3 Adopted Resolution No. 2005-248 approving specifications for a Compressed Natural Gas (CNG) Packaged Electric Motor Drive Compressor System for the Municipal Service Center CNG Fueling Station Expansion and authorizing the City Manager to negotiate a contract to award to GreenField Compression, Inc., as the sole supplier, in an amount not to exceed \$182,000.

E-4 "Adopt resolution authorizing the City Manager to negotiate and purchase three 30-foot compressed natural gas transit vehicles off of the state contract (\$600,000) and appropriate funds" was **pulled from the agenda pursuant to staff's request**.

E-5 Adopted Resolution No. 2005-249 awarding the contract for playground improvements at Van Buskirk Park, 600 N. Pleasant Avenue, and Hale Park, 209 E. Locust Street, to Diede Construction, Inc., of Woodbridge, CA, in the amount of \$128,065.64.

E-6 Accepted the improvements under "Lane Line Painting, Various City Streets, 2005" contract.

E-7 "Accept improvements under contract for Stockton Street Parkway Landscape Project from Tokay Street to Alley North of Locust Street" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

E-8 Accepted the improvements under "Well 27 Well Drilling, 302 East Highway 12" contract.

E-9 Adopted Resolution No. 2005-250 accepting the improvements in Mills Avenue Single Family Homes, Unit 2, Tract No. 3499.

E-10 Adopted Resolution No. 2005-251 approving extension of the lease of Maple Square, 2 East Lodi Avenue.

- E-11 Adopted Resolution No. 2005-252 authorizing the City Manager to negotiate janitorial services contract(s) as needed for the remainder of the current fiscal year in an amount not to exceed \$37,000.
- E-12 "Adopt resolution authorizing the City Manager to execute an agreement with the Lodi Conference and Visitors Bureau to promote the development of regional business, recreation, tourist, conference, and visitor activities" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-13 Approved fee contract with Scott & Nichols for representation of Officer Neis and former Officer Foster in Peter Rose et al. v. the City of Lodi, et al.; United States District Court, Eastern District of California, Case No. CIV.S-05-02229.
-

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-7 "Accept improvements under contract for Stockton Street Parkway Landscape Project from Tokay Street to Alley North of Locust Street"

Council Member Mounce asked if the project was completed to specifications.

Public Works Director Prima acknowledged that the project took longer than expected and stated that the appearance of the parkway strips on Stockton Street were disappointing. He noted, however, that the City does not maintain the parkway strips; it is only responsible for maintenance of the trees.

Council Member Mounce felt that the money for this project was not well spent. She asked that the matter be brought back to Council so that concerns of citizens and the Lodi Improvement Committee can be addressed.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously accepted the improvements under "Stockton Street Parkway Landscape Project from Tokay Street to Alley North of Locust Street" contract.

- E-12 "Adopt resolution authorizing the City Manager to execute an agreement with the Lodi Conference and Visitors Bureau to promote the development of regional business, recreation, tourist, conference, and visitor activities"

NOTE: Due to a potential conflict of interest related to his spouse's employment with the Lodi Conference and Visitors Bureau, Mayor Beckman abstained from discussion and voting on this matter.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, adopted Resolution No. 2005-253 authorizing the City Manager to execute an agreement with the Lodi Conference and Visitors Bureau to promote the development of regional business, recreation, tourist, conference, and visitor activities. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Johnson, and Mounce
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Mayor Beckman

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Ken Owen, Director of Christian Community Concerns, read a letter (filed) related to the separation of church and state and the use of "Happy Holidays" in lieu of "Merry Christmas". He stated that Christian Community Concerns is launching a *Keep Christ in Christmas Campaign* for the month of December. He provided information from the Alliance Defense Fund and an audio tape of a presentation by Pastor Dale Edwards of Century Assembly Church entitled, "Why Christmas".

Council Member Hansen thanked Mr. Owen for bringing this matter forward. He commented that the Country was founded on religious freedom and he voiced concern about people and groups attempting to force their opinions on others, and in so doing, not allowing individuals to express their own religious beliefs.

Mayor Beckman agreed with Mr. Hansen's statement.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- None.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King reviewed the following Council accomplishments that took place during 2005:
 - Hired new City Manager;
 - Initiated quarterly review of city utilities;
 - Adopted ordinance ending age discrimination in the City's workforce;
 - Extended a labor agreement with Mid-Managers at no additional cost;
 - Responded effectively to national media attention regarding terrorism;
 - Raised awareness of Lodi Lake water quality issues;
 - Supported non-profit and community events, e.g. Salvation Army, Community Partnership for Families, Rotary 4th of July, etc.;
 - Participated in regional governance issues through the San Joaquin Council of Governments;
 - Reopened the skate park;
 - Settled the Lehman Brothers lawsuit and saved the City \$24 million;
 - Provided stable funding to remediate groundwater contamination;
 - Stabilized the General Fund budget with no further reductions in the General Fund amount;
 - Updated and modernized the City's purchasing ordinance;
 - Initiated the Lodi Budget Finance Committee;
 - First in the County to complete tertiary treatment improvement for wastewater;
 - Completed Kettleman Lane project;
 - Accelerated Lower Sacramento Road project which saved \$500,000;
 - Ensured continued Greyhound bus service in Lodi;
 - Allocated \$725,000 in Community Development Block Grant funds for seven community projects and reallocated \$300,000 in HOME funds for the housing assistance program;
 - Addressed the greenbelt separator issue through the Greenbelt Task Force and 2x2x2 Committee;
 - Adopted federally required Americans with Disability Act Transition Plan;
 - Approved concept of downtown wine tasting rooms; and
 - Appointed a Delta College Task Force to work toward a satellite campus in Lodi.

I. PUBLIC HEARINGS

None.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Hitchcock, Mounce second, unanimously directed the City Clerk to post for the following vacancies:

Greater Lodi Area Youth Commission

Hannah Holden Term to expire May 31, 2007

Lodi Planning Commission

Eddie Aguirre Term to expire June 30, 2008

J-3 Miscellaneous – None

K. REGULAR CALENDAR

None.

L. ORDINANCES

None.

M. REORGANIZATION OF THE CITY COUNCIL

City Manager King presented a plaque in appreciation to outgoing Mayor Beckman.

Mayor Beckman noted that he was born and raised in Lodi and expressed his gratitude for the opportunity to serve as Mayor. He thanked voters for having elected him as a Council Member, and thanked Council for the honor of nominating him to the office of Mayor. He presented a gift to City Clerk Blackston in appreciation of her efforts throughout the past year. He thanked his wife Nancy for her support and gave her a bouquet of flowers.

City Clerk Blackston, acting as Chair, opened and called for nominations for the election for the office of Mayor.

NOMINATION(S) FOR MAYOR:

Council Member Mounce, second by Council Member Hansen, nominated Susan Hitchcock to the office of Mayor. There being no further nominations for the office of Mayor, the nominations were closed.

VOTE:

In regard to the nomination of Susan Hitchcock to the office of Mayor, the motion carried by the following vote, thereby adopting Resolution No. 2005-254:

Ayes: Council Members – Beckman, Hansen, Hitchcock, Johnson, and Mounce

Noes: Council Members – None

Absent: Council Members – None

NOMINATION(S) FOR MAYOR PRO TEMPORE:

City Clerk Blackston turned over the meeting to newly elected Mayor Hitchcock who then opened and called for nominations for the election for the office of Mayor Pro Tempore.

Council Member Beckman made a motion, second by Mayor Hitchcock, to nominate Bob Johnson to the office of Mayor Pro Tempore. There being no further nominations for the office of Mayor Pro Tempore, the nominations were closed.

VOTE:

In regard to the nomination of Bob Johnson to the office of Mayor Pro Tempore, the motion carried by the following vote, thereby adopting Resolution No. 2005-255:

Ayes: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – None

DISCUSSION

Mayor Hitchcock thanked Council Members for their confidence in her. She commended Council Member Beckman for his exemplary conduct as Mayor in spite of difficult budget challenges during the past year. She thanked City Manager King and Deputy City Manager (former Finance Director) Krueger for their work. She believed that the current Council worked excellently together and noted her appreciation for the questions asked, and for being analytical, compassionate, and frugal. She looked forward to working on the City's General Plan update and continued involvement with the Greenbelt Task Force.

Claudia Manrique, music teacher from the Lodi Seventh Day Adventist Elementary School introduced the Hand Bell Choir, who then gave a presentation to audience members.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:58 p.m., in memory of Planning Commissioner, Eddie Aguirre, who passed away on November 20, 2005.

ATTEST:

Susan J. Blackston
City Clerk